

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff,	§ § § §	
v.	§	CIVIL ACTION NO. H-12-0221
SIMBAKI, LTD. d/b/a Berryhill Baja Grill & Cantina, Defendant.	§ § § §	
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LAURA BAATZ and KIMBERLY KULIG, Intervenor Plaintiffs,	§ § § §	
v.	§ § § §	
PHILIP J. WATTEL, <i>et al.</i> , Intervenor Defendants.	§ § § §	

**ORDER**

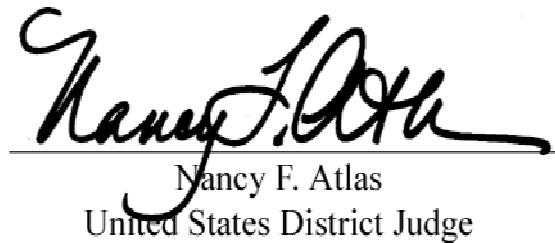
This case is before the Court on the Motion for Severance [Doc. # 119] filed by Defendant Berryhill Hot Tamales Corporation (“Corporate Berryhill”), to which Intervenors filed a Reponse [Doc. # 122]. By Memorandum and Order [Doc. # 118] entered May 29, 2013, the Court granted Corporate Berryhill’s Motion for Summary Judgment and dismissed all claims against it. There are no claims remaining in the lawsuit that are asserted by or against Corporate Berryhill. The Court concludes that

the administration of justice favors severance of the claims against Corporate Berryhill pursuant to Rule 21 of the Federal Rules of Civil Procedure, particularly in light of Defendant Philip Wattel's recent injury and the resulting delay to the final disposition of the remaining claims. Additionally, the Court finds that there is no just reason for delay in the entry of final judgment against Corporate Berryhill and, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, enters final judgment on the claims against Corporate Berryhill. Accordingly, it is hereby

**ORDERED** that Corporate Berryhill's Motion for Severance [Doc. # 119] is **GRANTED**. All claims against Corporate Berryhill are **DISMISSED WITH PREJUDICE**, and Rule 54(b) final judgment is entered on the dismissed claims against Corporate Berryhill. Taxable costs are assessed against Intervenor Plaintiffs.

This is a final, appealable judgment as to claims against Corporate Berryhill.

SIGNED at Houston, Texas, this 26<sup>th</sup> day of **June, 2013**.



Nancy F. Atlas  
United States District Judge